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RUEAIIA/CIA WASHDC  
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RHEFAAA/DIA WASHDC  
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S E C R E T SECTION 01 OF 03 ASTANA 000381

SIPDIS

STATE FOR SCA/CEN, CA/OCS  
FRANKFURT FOR REGIONAL CONSULAR OFFICER

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TAGS: [PGOV](#) [PREL](#) [CASC](#) [KZ](#)

SUBJECT: KAZAKHSTAN: AMBASSADOR DISCUSSES PEACE CORPS CASE  
WITH PRESIDENTIAL ADMINISTRATION HEAD MUSIN

REF: A. ASTANA 0373

[1](#)B. ASTANA 0175

[1](#)C. ASTANA 0135

[1](#)D. ASTANA 0055

[1](#)E. 08 ASTANA 2576

[1](#)F. 08 ASTANA 2410 (NOTAL)

Classified By: Ambassador Richard E. Hoagland, 1.4 (b) and (d)

[1](#)1. (S) SUMMARY: The Ambassador met with Presidential Administration head Aslan Musin on March 3 to discuss the criminal case against Peace Corps volunteer Anthony Sharp. Musin said the case is a small issue and agreed we should avoid it becoming a major bilateral irritant. However, he maintained that Sharp had, in fact, committed violations of the law, and rejected the notion that the case is a political provocation. He nevertheless expressed concern about Sharp's situation - acknowledging that his family must be very worried -- and said he hoped everything works out for him. Several hours after the Musin meeting, the MFA's Talgat Kaliyev requested his own meeting with the Ambassador. Kaliyev told the Ambassador that Foreign Minister Tazhin was upset with the results of the Musin meeting. The Ambassador should not have given Musin non-papers stating we believe Sharp was caught up in a political provocation and that he is innocent of the most serious charges against him, Kaliyev contended. He urged the Ambassador to take a different approach with President Nazarbayev. The Ambassador explained that he met with Musin at the recommendation of another senior official -- State Secretary Saudabayev -- and that it is important Musin is fully briefed because he is close to the President. END SUMMARY.

SHARP CASE IMPORTANT TO BILATERAL RELATIONSHIP

[1](#)2. (C) The Ambassador met with Presidential Administration head Aslan Musin on March 3 to discuss the case of Peace Corps volunteer Anthony Sharp. The Ambassador briefed Musin on all the latest developments, including his discussions with Foreign Minister Tazhin (Ref A), and provided Musin with two non-papers on the case that we have previously given officials in the Presidential Administration. He explained to Musin that we want the case resolved in accordance with the Kazakhstani government's commitment to us -- i.e., that

Sharp be given a suspended sentence and deported -- and avoid having the case become a major irritant in the bilateral relationship, especially at the beginning of a new Administration.

13. (C) Musin thanked the Ambassador for all the information. He said the Sharp case is a small issue, but it nevertheless is important for the bilateral relationship. He agreed we should prevent it from becoming a major problem. However, Musin maintained that according to the Kazakhstani government's information, Sharp has committed violations of the law -- though taking into account the bilateral relationship, a court did issue a decision to release him from jail. Musin said the Ambassador's direct involvement in requesting the release played a big role in the decision to grant it. He said he hoped Sharp's attorneys take all the Ambassador's points into account in their appeal of the verdict, and argued that a lot will depend on the professionalism of the lawyers. Musin emphasized that the case will proceed with strict adherence to Kazakhstani law.

#### MUSIN REJECTS NOTION OF "POLITICAL PROVOCATION"

14. (S) Musin then noted that our non-papers stated that we believe Sharp was caught up in a political provocation. He stressed that he disagreed with this characterization, saying, "I want you to explain what you mean, because I'm not aware of any political organizations in Kazakhstan that would entrap him." The Ambassador responded that the non-paper was not aimed at criticizing Kazakhstan, that we recognize the importance of all Americans in Kazakhstan following the law, and admit that Sharp committed a legal violation by

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trespassing into a restricted area. However, the explosives charge against Sharp looks very suspicious to us. The Ambassador stressed that he is not a lawyer and thus does not want to argue the legal details, but said he would be pleased to provide Musin with the transcripts from Sharp's trial -- just like Musin gave us transcripts from another court case (i.e., the trial against Rakhat Aliyev). These transcripts would make clear why we came to our point of view about the Sharp case.

#### THE FATE OF A HUMAN BEING IS WHAT MATTERS

15. (C) Musin agreed that because neither he nor the Ambassadors are lawyers, there was no need to get into the intricacies of the case; rather, what matters is the fate of a human being, who both sides are concerned about. "I think we need to take advantage of all the possibilities in our law to provide him relief. His family must be worried about him." The Ambassador explained he had personally spoken to Sharp's parents. They are concerned about their son, but agreed with the importance of keeping the case out of the media. He then noted that the Peace Corps will soon be celebrating its 50th anniversary, and explained that there have not been many occasions in the organization's history when a single volunteer commanded such high-level political attention.

16. (S) Musin responded, "I'm very aware of the Peace Corps' mission, and have plenty of information about the organization, from my own personal knowledge and from our organs" -- meaning the Committee for National Security (KNB) -- "and I understand the Peace Corps does noble deeds around the world, but incidents do happen, because people are people, and I don't want to generalize this situation. We are talking specifically about Sharp's fate, and I hope that everything works out for him." "As for bilateral relations," he continued, "they will keep on developing, though lots will depend on how we interpret various incidents. The highest levels of our government do not know of any political organization that wants to harm the bilateral relationship. We recognize the critical role the United States plays in world." Musin added that the Kazakhstani government wants

its laws observed not just by its own citizens, but also by foreigners residing in Kazakhstan. The Ambassador said he agreed foreigners must obey local law. He thanked Musin for his personal attention to the case.

#### TAZHIN UNHAPPY WITH RESULTS OF MUSIN MEETING

17. (S) Approximately two hours after the Musin meeting, the MFA's Talgat Kaliyev phoned to ask that the Ambassador meet with him later in the day. At a late afternoon meeting on March 3, Kaliyev told the Ambassador that Foreign Minister Tazhin was unhappy with the results of the Musin meeting. Kaliyev said there was no reason to have given Musin the non-papers stating we believed the case against Sharp is a provocation, and that he is innocent of the most serious charges. "You should have just expressed your thanks for Musin's assistance, and promised that this won't happen again. This has complicated my own situation. Please don't take this approach with President Nazarbayev." "Musin called me directly," Kaliyev continued, "and asked why the issue of provocation was raised. Maybe he expected to hear something different. It's a question of mentality. This is the kind of thing you can tell me, but not everyone."

18. (C) "I'm not a judge or prosecutor," Kaliyev explained, "I just want to protect the bilateral relationship. Tazhin put me personally in charge of the case. I'm directly in touch with all the officials in Ridder and with Sharp's lawyers. Tazhin yelled at me about what happened today with Musin. I promised him the U.S. Embassy will follow all the appropriate judicial procedures. Please just follow my lead for the next few weeks."

19. (C) The Ambassador responded that he had been asked to

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meet with Musin by another senior official -- i.e., by State Secretary Saudabayev -- and that he regretted that the Musin meeting might have caused a problem for Tazhin. He also pushed back, noting that we had followed the MFA's guidance all along and had been very surprised when our agreement fell apart and Sharp was sentenced to prison. The Ambassador nevertheless reiterated his thanks for the important role Tazhin played in getting Sharp released from jail. It is important that Musin be briefed on the case too, given that he is close to Nazarbayev, he explained. The Ambassador said his approach with Nazarbayev would of course be different, should Nazarbayev agree to his request for a meeting to discuss the case. (NOTE: As explained in Ref A, Tazhin recommended the Ambassador seek such a meeting with Nazarbayev. END NOTE.)  
HOAGLAND